THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.21579 of 2000

Dated: 28th July, 2005.

Between:

Mohd. Jaleelur Rahman S/o. late Md.Attaur Rahman
R/o.H.No.1-2, Nizamnagar, Nizanabad Dist

..... PETITIONER

AND

Central Power Distribution Company of A.P. Limited

Rep. by its Divisional Engineer Electrical Operation,
Sangareddy, Medak District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.21579 of 2000

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ORDER:

Challenging the impugned notice dated 18.08.2000, wherein the respondent rejected the claim of the petitioner for compassionate appointment on the ground that the petitioner has not submitted the claim within one year from the date of death of his father as per B.P.M.NO.119, dated 10.02.1982, the present writ petition is filed.

The petitioner claims to be the son of late Md. Ataur Rahman, who admittedly was an employee under the respondent and died on 20.09.1993 while in service. After the death of his father, the petitioner is stated to have applied for appointment on compassionate ground on 04.11.1994, and as no reply was received from the respondent, he filed W.P.No.16803 of 1999 before this Court, which was disposed of on 19.11.1999 directing the respondent to consider the application of the petitioner and pass appropriate orders thereon within a period of four weeks from the date of communication of copy of that order. The grievance of the petitioner is that pursuant to the said direction of this Court, the respondent, vide impugned letter dated 18.08.2000, rejected his claim of compassionate appointment on the ground that he has not submitted the claim for employment within one year from the date of death of his father as required in B.P.M.No.119, dated 10.02.1982. The petitioner states that the delay in submitting his application is only 44 days, which was occurred only due to lack of knowledge with regard to procedure, and therefore, the delay is neither willful nor wanton. Hence, the present writ petition.

Even though the writ petition was admitted on 23.01.2002, no counter affidavit is filed by the respondent so far.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

Learned counsel for the petitioner mainly contended that after the death of his father, the petitioner applied for appointment to Class-IV job on compassionate grounds, and that as there was delay of 44 days in submitting the said application, the respondent rejected the same vide letter, dated 18.08.2000. He further submits that the said delay was neither willful nor wanton and the same was occurred only due to lack of knowledge of procedure prescribed under BPMS. Therefore, he submits that the respondent cannot reject the claim of the petitioner on that ground alone.

Learned Standing Counsel for the respondent submits that since the petitioner failed to submit his application for compassionate appointment within one year from the date of death of his father as required under B.P.M.No.119, dated 10.02.1982, his claim was rejected vide letter dated 18.08.2000.

A perusal of the writ averments clearly indicates that the father of the petitioner, by name Md. Attaur Rahman was died on 20.09.1993 while in service. Thereafter, the

petitioner submitted an application, dated 04.11.1994 to the respondent seeking appointment to a suitable post on compassionate grounds. As there was no response from the respondent, the petitioner filed W.P.No.16803 of 1999 and obtained orders from this Court on 19.11.1999, wherein the respondent was directed to consider the application of the petitioner and pass appropriate orders thereon. Pursuant to the said orders, the impugned letter dated 18.08.2000 came to be issued by the respondent rejecting the claim of the petitioner for appointment on compassionate grounds on the ground that there is delay of 44 days in submitting the application by the petitioner.

This is a grave case where the claim of the petitioner for appointment to a suitable post on compassionate grounds was not considered and the same was rejected by the respondent on the ground that there is delay of 44 days in submitting the application by the petitioner, particularly, when there is a direction by this Court, vide orders dated 19.11.1999 in W.P.No.16803 of 1999, to consider the claim of the petitioner and pass appropriate orders in the light of the relevant Rules.

Having regard to the facts and circumstances of the case, without expressing any opinion on the delay occurred in submitting the application by the petitioner for appointment on compassionate grounds, I deem it appropriate to dispose of the writ petition with the following direction.

The respondent is directed to consider the application of the petitioner, without taking any objection with regard to delay occurred in submitting the application by the petitioner, and pass appropriate orders thereon in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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(N.V. RAMANA, J)

Date: 28.07.2005

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